

ORIGINALCOURT EXHIBIT # 2UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKDATE: 1/8/2016

TIME: _____

CASE: 12-cr-423 (AJN)

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UNITED STATES OF AMERICA

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NOTICE OF INTENT TO
REQUEST JUDICIAL
REMOVAL

- v. -

:

MINH QUANG PHAM,

:

12 CR 423 (AJN)

Defendant.

:

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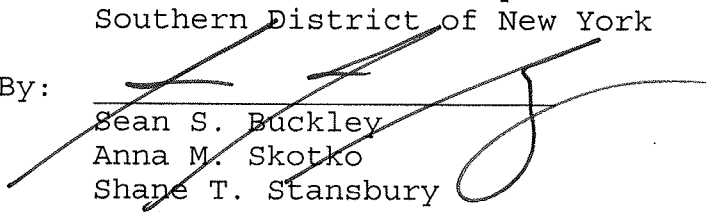
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DOC #:
DATE FILED JAN 12 2016

NOTICE IS HEREBY GIVEN TO MINH QUANG PHAM ("the defendant") and to his attorney of record, Bobbi C. Sternheim, Esq., that upon conviction of the defendant for violation of Title 18 United States Code, Sections 2339B, 371 and 2339D, and 924(c) the United States of America shall request that the Court issue a Judicial Order of Removal against the defendant pursuant to Section 238(c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1228(c).

Dated: New York, New York
January 5, 2016

PREET BHARARA
United States Attorney
Southern District of New York

By:


Sean S. Buckley
Anna M. Skotko
Shane T. Stansbury
Assistant United States Attorneys
(212) 637-2261 / 1591 / 2641

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : FACTUAL ALLEGATIONS IN SUPPORT
 : OF JUDICIAL REMOVAL

- v. - :

MINH QUANG PHAM, : 12 CR 423 (AJN)

Defendant. :

- - - - - x

NOTICE IS HEREBY GIVEN TO MINH QUANG PHAM ("the defendant") and to his attorney of record, Bobbi C. Sternheim, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.

2. The defendant is a native of the Socialist Republic of Vietnam and a citizen of the United Kingdom.

3. The defendant was paroled into the United States at Westchester Airport, White Plains, New York on or about February 26, 2015.

4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of (1) Providing and attempting to provide Material Support and Resources to a Foreign Terrorist Organization, namely al Qa'ida in the Arabian Peninsula ("AQAP"), in violation of Title 18 U.S.C., § 2339B; (2) Conspiring

to Receive Military-type training from, on behalf of, AQAP in violation of Title 18, United States Code § 371 and 2339D, and; (3) Knowingly carrying a Kalashnikov assault rifle in furtherance of crimes of violence in violation of Title 18, United States Code § 924(c).

5. The maximum term of imprisonment for a violation of Title 18 U.S.C., § 2339B is fifteen years of imprisonment. The maximum term of imprisonment for a violation of Title 18 U.S.C., § 371 and 2339D is five years. The maximum term of imprisonment for a violation of Title 18 U.S.C., § 924(c) is life imprisonment, and the minimum term is 30 years' imprisonment. The total maximum term of imprisonment is life imprisonment.

6. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act of 1952 ("INA"), as amended, 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien who, at the time of application for admission, was not in possession of a valid immigrant visa reentry permit, border crossing identification card, or other valid entry document required by the INA, Section 212(a)(7)(B)(i)(II) of the INA, as amended, 8 U.S.C. § 1182(a)(7)(B)(i)(II), as a nonimmigrant who is not in possession of a valid visa or entry documents at the time of application for admission, and under Section 212(a)(2)(A)(i)(I) of the INA, as amended, 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude (other

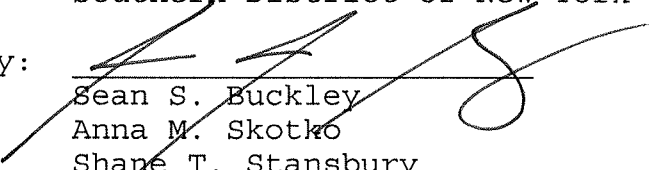
than a purely political offense) or an attempt or conspiracy to commit such a crime.

WHEREFORE, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to the United Kingdom.

Dated: New York, New York
January 5, 2016

PREET BHARARA
United States Attorney
Southern District of New York

By:


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